

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Revenue Department

Notification

RD/TNC/RLS/158/72-74

The following rules which the Government of Goa, Daman and Diu proposes to make under the provisions of section 61 read with section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 is hereby prepublished for the information of the general public. Notice is hereby given that the said draft will be taken into consideration on the expiry of 15 days from the date of publication of this notification. Any person who has any suggestion or observation to make on the said draft may forward the same to the Secretary to the Government, Revenue Department, Secretariat-Panaji before the expiry of 15 days from the date of publication of this notification in the Official Gazette so that they may be taken into consideration at the time of finalization of the proposed rules.

DRAFT RULES

In exercise of the powers conferred by Section 61 read with section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964) the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

1. **Short Title and Commencement.**— (1) These rules may be called the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1974.

(2) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires:—

a) "Act" means the Goa, Daman and Diu Agricultural Tenancy Act, 1964;

b) "Form" means a form appended to these Rules;

c) "Section" means a section of the Act;

d) "Association" means a group of tenants who jointly derive benefit from a common major bund or bunds in a locality and is recognised as such under these rules, by the Mamlatdar of the Taluka having jurisdiction;

e) "Managing Committee" means Committee of members who are elected as Office bearers by the general body of the Association;

f) Words and expressions used, but not defined in these rules shall have the same meanings assigned to them in the Act.

3. **Constitution and Recognition of Tenants Association.**— (1) (a) Not less than twenty five tenants who jointly derive benefit from a common major bund or bunds shall be required to constitute an association. The membership of such Association shall be compulsory for all such tenants irrespective of the fact whether bund is owned by the Comunidade or by a private individual. All the members of the association will collectively be referred to as the General Body. The object of the Association shall be to discharge the joint responsibility of tenants in accordance with provisions of Section 42-A of the Act.

(b) Notwithstanding anything contained in Clause (a), the Mamlatdar may, for reasons to be recorded in writing, permit more than one Association even in cases where all the members are tenants benefitted by a common major bund and may also, for reasons to be recorded in writing, permit constitution of one association even if the members are those benefitted by different bunds if they all come within his jurisdiction.

(2) Every association of tenants shall be registered and recognised by the Mamlatdar concerned on an application filed on behalf of the majority of the tenants of the area in Form I appended to these rules. The certificate of recognition shall be in Form II appended to these rules. For recognizing an Association, the total number of members should be at least twenty five.

(3) The initial list of members of the Association shall be prepared by the Mamlatdar in Form III and the same will be open for inspection by members for 15 days from the date of its display on the notice board at places where notices are displayed for meeting of the Association. After deciding the objections, if any, the list shall be finally displayed. The list shall be kept up-to-date by the managing committee through its Secretary.

4. **Functions of the General Body.**— (1) It shall be the duty of the General Body of the Association:—

(i) to elect the Managing Committee and the Office bearers, namely, the Chairman, the Vice-Chairman, the Honorary Secretary, the Honorary Treasurer and the Attorney;

(ii) to approve the annual statement of Accounts to be prepared by the Managing Committee;

(iii) to consider and decide the matters regarding the conservancy, maintenance and repairs of any bund, embankment, ridge, sluice-gate or any other matter which may be specially referred to by the Managing Committee for consideration or which the majority of the members of the General Body want to raise.

(2) The General Body shall meet once in a year, in the first fortnight of the month of December, to decide on general matters. For the purpose of election of the Office bearers of the Managing Committee, a special meeting shall be convened by the Mamlatdar with a notice at least of 10 days in advance and the same will be presided over by the Mamlatdar or his representative. The notice in Form IV appended to these rules for any meeting of the General Body be displayed in Village Panchayat Offices, Comunidade Offices, Block Development Office and Mamlatdar's Office and also a wide publicity of the same shall be given by beat of drum in the village. The voting at such meeting shall be by show of hands and the results shall be declared by the Mamlatdar or his representative, as the case may be, immediately after the voting is over for any post of office bearer.

(3) Special meeting of the General Body can be convened by the Chairman of the Managing Committee on a written request made by more than 50% of the members of the association for discussing matters of general interest. A copy of such request shall be endorsed to the Mamlatdar. If the Chairman fails to call the meeting, the Mamlatdar will have the power to call the same if he is satisfied that calling the General Body meeting is in the interest of the association. All the ordinary and special meetings shall be presided over by the Chairman or in his absence by the vice-chairman except the special meeting called by the Mamlatdar. The meeting called by the Mamlatdar shall be presided over either by the Mamlatdar or by any person duly authorised by him.

(4) (a) All the decisions of the general body shall be taken by the majority of the members present.

(b) The quorum for all meetings of the General Body shall be ten and for that convened for electing the Managing Committee shall be half of the members of the Association.

5. Duties of Members. — The Members of Association shall perform such duties as may be assigned to them by the Managing Committee for the purpose of watch and ward of the bunds.

6. Constitution and Functions of the Managing Committee. — (1) The Managing Committee of the association shall be composed of the following office bearers, namely, a Chairman, a Vice-Chairman, an Honorary Treasurer, an Attorney and an Honorary Secretary. The Office bearers shall be elected by the General Body according to the procedure prescribed under rule 4. The term of the Managing Committee shall be 3 years from the date of election. However, the Office bearers shall be eligible for re-elections.

(2) An Office bearer may tender his resignation in writing to the Mamlatdar and the same shall

be effective from the date on which it is accepted by the Mamlatdar.

(3) An office bearer of the Managing Committee shall be liable to be removed by a resolution to this effect if the same has been approved by the two-thirds majority of the General Body members in a special meeting convened for the said purpose. However, no such meeting for the removal of the Office bearer shall be called unless a 5 days notice is given to the office bearer concerned mentioning therein the grounds of the proposed removal. A copy of such notice shall be endorsed to Mamlatdar who shall convene a special meeting after satisfying himself about the genuineness of the purposes.

(4) The resultant vacancy in the Managing Committee on account of resignation, removal or death shall be filled in by the Mamlatdar through nomination from among the members of the association. The term of office of such nominated member shall be co-terminous with the term of office of the elected members.

(5) The Managing Committee shall be responsible for discharge of following functions: —

(a) to maintain the list of tenants upto-to-date as prescribed in Form III under Rule 3.

(b) to take all steps which are necessary to be taken for conservancy, maintenance or repairs of bunds.

(c) to get the estimates prepared for repairs, maintenance etc. from the Soil Conservation Division of the Directorate of Agriculture and take steps for execution of these works through the Soil Conservation Division.

(d) to prepare the annual statement of Accounts showing receipts and expenditure and present the same before the general body on the date fixed for the meeting.

(e) to auction the right to fishing in the vicinity of the sluice gates and to lease out the trees on the bunds.

(f) to take immediate steps for closure of breaches in the bunds and get the work executed.

(g) any other work which the Mamlatdar or the General Body may entrust to the Managing Committee in the interest of the proper up-keep and maintenance of the bunds.

Explanation 1:—The Managing Committee shall work and function collectively and the responsibility of all members of the Managing Committee shall be joint for any acts or omission and commission as regards the duties of the office bearers.

(6) The meetings of the Managing Committee shall be presided over by the Chairman or in his absence by the Vice-Chairman. There shall be at least one meeting in a period of 2 months. The minutes of the proceedings of each meeting shall be kept and the same shall be duly signed by the presiding officer and the members present. Decision in the Managing Committee shall be by majority of votes. At least three office bearers shall form the quorum for the meetings of the Managing Committee and if there is no sufficient quorum, the meeting shall be adjourned for a future date. The adjourned meeting may deliberate the agenda if at least two office bearers are present and the subject

matter to be discussed is of urgent mature. A copy of the minutes of the meeting of Managing Committee shall be sent to the Mamlatdar within 7 days of the date of meeting for his information and action, if any.

(7) The Chairman shall have powers to call the meeting of the Managing Committee and the General Body as and when found necessary.

(8) In the absence of the Chairman, the Vice-Chairman shall discharge all the duties of the Chairman.

(9) The Secretary of the Managing Committee shall record the minutes of the meeting of the general body and of the meetings of the Managing Committee and shall exercise general supervision on the records of the Association. He shall be responsible for realisation of the annual subscription and additional contribution from the member tenants. He shall also prepare and forward to the Mamlatdar a list of defaulters duly signed by him and the Chairman for further action towards recovery of dues of the association in accordance with the provisions of the Act. A copy of such list shall also be displayed on the notice board of the Village Panchayat within whose jurisdiction the Association functions and the list shall also be placed before the General Body in its next meeting.

(10) The Treasurer shall be responsible to maintain all the accounts of the Association showing receipts and expenditure and to get the accounts audited annually.

(11) The Mamlatdar concerned shall have power to call from the Managing Committee any records, statements, registers, account or reports which he may think necessary.

(12) The attorney shall look after the upto-to-date maintenance of the list of tenants. He shall also attend to the disputes arising out of the discharge of the functions by the Association after obtaining concurrence of the Managing Committee and under intimation to the Mamlatdar.

(13) On the election of the new Committee, the old Committee shall hand over the charge of all the receipts, papers, property and cash balance immediately to the new Committees.

(14) In case of any complaints about non-compliance of the above formalities, the Mamlatdar may by a written order direct that the records, money or other property so detained be delivered to such successor within the time limit to be specified in such order and if the Chairman, Vice-Chairman, Treasurer, Attorney and Secretary fail to comply with the said order, the Mamlatdar shall:

a) direct that such money be recovered as an arrear of land revenue;

b) issue a search warrant for recovery of any records, stores or other property and exercise all such power as may be lawfully exercised by an executive magistrate under the provisions of Chapter VII of the Cr. P.C.;

Provided that no action shall be taken under this rule unless the person concerned has been given a reasonable opportunity to show cause why such action should not be taken against him.

(15) If the Mamlatdar after due enquiry is satisfied that the Managing Committee has failed to discharge the duties or has abused the powers or has done any acts which are harmful to the agricultural land, he shall dissolve the Managing Committee and appoint an ad-hoc Committee to look after all the duties and exercise all the powers of the Managing Committee till the new Committee takes charge.

7. Accounts of the Committee. — (1) The funds of the association shall consist of the income derived out of the lease of fishing rights at the sluice-gate, income from trees on the bunds and the contribution from the members of the association. The accounts of the Association shall be maintained in the cash book and shall be in Form V appended to these rules. All the pages of the cash book, before the same is opened, shall be serially numbered and authenticated by the Mamlatdar and the same shall bear his seal. The cash book shall be maintained regularly by Treasurer and it shall be countersigned by the Chairman every month. The Treasurer shall issue receipts for all the amount received on behalf of the Association. The receipt shall be in Form VI appended to these rules. All payments out funds of the Association exceeding Rs. 150/- shall be made through cheques. The Chairman and the Treasurer shall jointly operate an account opened in the name of the Association in the local branch of any scheduled bank or such other Bank which the Mamlatdar may approve. Before an account is opened, the Mamlatdar shall certify the names of the office bearers who are authorised to operate the Bank account. The certificate so issued shall be conclusive proof for the Bank to allow the operation of the Account of the Association. The accounts maintained by the Managing Committee shall be open for inspection by the members of the Association. The objections received shall be duly preserved and put up in the General Body meeting after they have been considered by the Managing Committee.

(2) As soon as the list of the members is finalised, each member shall pay Rs. 10/- as enrolment fee to the association and subsequently a regular contribution of Rs. 10/- per year will be payable by each member. The contribution shall be paid between 1st April to 30th April of each year.

(3) The income accrued from the lease of fishing rights at the sluice-gate, lease of trees and from contribution received from members, shall be spent mainly for the maintenance and repairs of the bunds.

If the funds so collected fail short of the requirement, the Managing Committee may request the members to pay additional contribution in accordance with the requirements. The additional contribution shall be payable in proportion on the basis of the area of the holding cultivated by each member. All the holdings cultivated by one member shall be taken together for the purpose of calculation of the contribution. If the payments have not been made by the members either towards annual contribution or in respect of additional contribution within the specified time limit, an interest at the rate of 12% shall be charged from the defaulting members. The Treasurer shall deposit the amount recovered by him immediately in the Bank account of the Association.

8. Procedure for Lease of Fishing Rights and Trees on Bunds. — (1) The fishing rights on the sluice gates shall be leased by public auction for a period of one year at a time to the highest bidder. For the purpose of auction at least 15 days prior to the date of auction a notice in Form VII appended to these rules shall be displayed at the places where the notices for meetings ordinarily displayed. The date of auction shall be informed to the Mamlatdar also and the Mamlatdar shall either personally supervise or depute a representative to supervise the auction. The auction shall be held in the third week of December every year and the period of one year shall be commuted from 1st of January. A panchanama will be recorded on the site and signatures of all the office bearers of the Managing Committee, the Mamlatdar or his representative and the lessee shall be obtained on the Panchanama. The highest bidder shall deposit on the spot an amount equal to 25% of the auction bid with the Managing Committee which shall be treated as Security Deposit and can be forfeited to the Association in case there is any breach of conditions of the contract. The auction amount shall be paid in four instalments payable on 10th January, 10th April, 10th of July and 10th of October. As agreement in Form VIII appended to the rules shall be executed between the lessee and Chairman of the Managing Committee in the presence of the Mamlatdar.

(2) The provisions relating to auction of fishing rights as contained in sub-rule (1) shall mutatis mutandis apply to leasing of trees on the bunds.

(3) If the highest bidder is not a member of the Association and if a member of the Association, comes forward within three days of the auction, to take on lease the fishing rights or trees, as the case may be, at the rate which the highest bidder is willing to pay, the Managing Committee shall grant the lease to such members and refund the money deposited by the highest bidder forthwith. The highest bidder shall have no other claim against the Managing Committee. The rules applicable to the highest bidder shall be applicable to such member of the Association.

(4) If any complaint is received by the Mamlatdar or if a report is made to him to the effect that the person to whom the right to the fishing has been auctioned by the Managing Committee is abusing the powers or doing acts which are harmful to the agricultural lands; the Mamlatdar, on being satisfied after a summary enquiry, may terminate the right of fishing of such person forthwith, without prejudice to such other action which the Managing Committee may have against him.

(5) If in the opinion of the Mamlatdar any person is unauthorisedly exercising the rights of fishing, it shall be lawful for the Mamlatdar to summarily evict such person in the manner provided in sub-rule (6).

(6) The Mamlatdar shall serve a notice on such person requiring him within such time as may appear reasonable to stop the illegal fishing. If the person concerned continues illegal fishing, he shall be liable to be physically evicted by the Mamlatdar and further liable for action under any other law.

9. Execution of Works of Repairs, etc. — (1) The Managing Committee shall undertake the works of

immediate repairs and maintenance. There will be no auction or agreement for the execution of works. The works shall be undertaken within 24 hours by the Managing Committee directly to the extent of Rs. 500/- under intimation to the Soil Conservation Division and the Mamlatdar concerned at the earliest but not later than 24 hours.

(2) All the works, the estimated cost of which exceeds Rs. 500/- shall be executed through the Soil Conservation Division. The Director of Agriculture will have powers to get the works executed directly to the extent of Rs. 2,500/- through the Soil Conservation Division and further to the extent of Rs. 5,000/- with the prior approval of the Development Commissioner. The Managing Committee shall report the matter immediately to the Soil Conservation Division and the Division shall take immediate steps to get the work executed. The cost of such repairs shall be shared according to the rules in force and the Managing Committee shall contribute towards the cost in advance as per decisions of the Mamlatdar on the basis of details furnished by the Soil Conservation Division.

(3) If any Managing Committee does not agree to the executions of the works, the Chairman, after examining the grounds of opposition or objection, shall submit the file to the Soil Conservation Division for their decision and the decision of the Soil Conservation Division shall be final.

(4) The Mamlatdar, if he so desires, may inspect the work any time for his own satisfaction.

10. Powers of the Mamlatdar. — The Mamlatdar shall have full powers to take necessary action on the matters which have not been specifically provided in these rules in connection with the discharge of joint responsibility by the tenants.

11. Financial Assistance from Government. — Any Association constituted under these Rules may, subject to availability of funds, get the contribution from the Government towards the cost of repairs to bunds on the same terms and conditions as specified in Rule 12.A of the Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Rules, 1968 as amended from time to time.

FORM I

Application for Registration

[See Rule 3(2)]

To

The Mamlatdar,

...

Sir,

We the undersigned tenants cultivating the land protected by the bund known as ... situated at village ... Taluka ... request that we desire to form an Association for discharging the joint responsibility of tenants as per provisions of Section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and, therefore, we request that our association may be duly registered and a certificate of recognition may be issued. A list of tenants is enclosed herewith.

Signature of the applicants.

FORM II

Registration Certificate

[See Rule 3(2)]

I hereby certify that the (name of the association) has been registered at Sr. No. ... of the register in my Office and the same has been recognised by me.

SEAL

Signature of the Mamlatdar.

FORM III

List of the Members of the Association

[See Rule 3(3)]

Name of the Association ...

Name of the bund/bunds ...

Village ...

Taluka ...

Sr. No.	Name of the member	Names of the fields	Area in sq. mts.	Total area held by a member	Remarks
1	2	3	4	5	6

FORM IV

(See Rule 4-2)

To

All Members of the Association.

Notice is hereby given that a meeting of the ... will be held on ... at ... AM/PM in the ... for consideration of the following items on Agenda.

- 1.
- 2.
- 3.
- 4.

SEAL

Signature of the
Chairman/Mamlatdar

FORM V

[See Rule 7(1)]

Cash Book

For the year 19 ... 19 ...

Receipts						Expenditure					
Date	Particulars (full details with reference to etc.) any receipt	Amount	Total	Classification	Date	Particulars (full details of claims scheme)	Amount	Total	Classification	Signature of the person writing the cash book	Signature of the Chairman
1	2	3	4	5	6	7	8	9	10	11	12

Countersigned by Chairman

FORM No. VI

[See Rule 7(1)]

Receipt

Receipt Book No. ...

Receipt No. ...

The ...

Received with thanks from ...

Rupees ... ()

on account of ...

Date ...

Reference to cash entry ...

Book ...

Page No.

Treasurer

Instructions covering the use of Form:—

(a) Each Receipt Book shall have a Serial number and each receipt which shall be in duplicate for use with carbon paper, shall have a serial number within the book. Both book number and Receipt number shall be machine numbered on each receipt, whether original or duplicate.

(b) The Seal of the Association shall be affixed to each Receipt before it is issued.

The Carbon copy shall be retained and the original issued.

FORM VII

[See Rule 8(1)]

Form of notice for auction of fishing right/right to Trees

Public Notice is hereby given that the auction for the fishing rights on the sluice gate/right to Trees on the bund ... shall take place on ... in the Office of ... subject to the conditions mentioned below:—

Persons intending to offer bids are requested to remain present on the above date, time and place.

Conditions: (to be put by the Managing Committee):

- 1.
- 2.
- 3.
- 4.

(Signature of the Chairman)

FORM VIII

[See Rule 8(1)]

Form of lease agreements for fruit bearing trees and fishing rights on sluice gates

This agreement made on the ... day ... of ... one thousand nine hundred and seventy ... between the Tenants Association ... represented by its Chairman (hereinafter called as «lessor») of the one part and Shri ... son of ... aged ... resident of ... (give address and occupation) (hereinafter referred to as the «lessee» which expression shall where the context so admits be deemed to include his heir, executors, successors, administrators, representatives and permitted assignees).

Whereas lessor is possessed of the rights of fishing in the vicinity of the sluice gate/trees on the bund named ... situated at ... in the village of ... Taluka ... district of ...

Whereas the lessee being highest bidder has agreed to accept fishing rights/rights of trees on lease basis.

And whereas the lessor has agreed to grant the said fishing rights/right of trees and the same is accepted by the lessee.

Now this indenture witnesses that in consideration of yearly rent as ... Payable annually towards the lease hereby described and in consideration of the terms and conditions mentioned hereunder, the lessor hereby conveys by way of lease the fishing rights/right to trees for a period commencing on ... and ending on ... for the purpose and subject to the terms and conditions set forth below.

1. The lessee shall take every precaution to prevent saline water from entering the fields and shall not do any acts prejudicial to the paddy fields.

2. The lessee shall be held responsible for any damage caused to the said sluice gate/tree which may not be due to natural cause and the loss sustained by the lessor shall be recovered from lessee as per assessment of the Mamlatdar.

3. The lessee shall permit the lessor or his agents at all reasonable time to enter the said sluice gate for the purpose of examining the state and condition of the said sluice gate and the agricultural fields thereunder.

4. The lessee shall carry out all repairs to the sluice gate and shall maintain the same in proper condition.

5. If the lessee commits breach of any of the conditions of these presents, then without prejudice to any other remedy open to the lessor, the lessor may terminate this lease and the lessee shall be liable to the penalty to be imposed by the Mamlatdar.

6. The lessor or the lessee shall be at liberty to determine the lease on giving notice of 30 days advance in writing of its intention to do so.

7. Any sum recoverable from the lessee under this present shall be recovered as arrear of land revenue.

8. Lease is subject to the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 and rules framed thereunder.

9. The ... agree to incur the expenditure on account of the stamp duty payable on these presents.

10. ...

SCHEDULE

In witness of the due execution of this agreement the parties have hereunder set their hands and seals the day and year first above written.

Signed, sealed and delivered by Shri ... Chairman of the ... Association.

Witnesses:

- 1)
- 2)

Signed and delivered by

- 1)

For and on behalf of the lessee ... in the presence of

- 1)
- 2)

By order and in the name of the Administrator of Goa, Daman and Diu.

S. R. Arya, Secretary (Revenue).

Panaji, 16th November, 1974.

Local Self Government Department

Notification

1-34-73-LSG

In exercise of the powers conferred by Sub-Section (3) and (4) of section 6 of the Fisheries Act, 1897 (Central Act 4 of 1897), the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Rules, namely:—

Preliminary

1. Short title, extent and commencement.

I) These Rules may be called the Goa, Daman and Diu Fisheries Rules, 1974.

II) They shall apply to whole of the Union Territory of Goa, Daman and Diu.

III) They shall come into force at once.

2. Definitions. — In these Rules unless the context otherwise requires:—

I) "Director" means the Director of Fisheries of the Government of Goa, Daman and Diu;

II) "Captain of Ports" means the Captain of Ports of the Government of Goa, Daman and Diu;

III) "Fishing stake" or "stake" means a trap or other contrivance for catching fish fixed in the soil or made stationary in any other way;

IV) "Mechanised Fishing" means fishing by a boat fitted with an inboard engine;

V) "Form" means a form appended to these rules;

VI) "Government" means the Government of Goa, Daman and Diu;

VII) "Inland water" means a creek, river, canal, stream or any other water course where fishing is possible and includes stationary water collected in a paddy field or khazan land in which fishing is possible and also includes the sea along the coast of the Union Territory of Goa, Daman and Diu upto the depth of 5 fathoms measured from the coast.

PART I

3. Prohibition of fishing in inland waters. — (1) No person shall fish with the help of a mechanised fishing craft in inland waters.

(2) Fishing in inland waters by means other than by mechanised fishing crafts shall be done only in accordance with the conditions of a licence granted by the Director.

(3) Any person intending to apply for the grant of a licence under sub-rule (2) shall make an application in form 'A' to the Director.

4. Grant of Licence. — (1) The Director shall, on receipt of an application under sub-rule (3) of Rule 3 examine the application in consultation with the Captain of Ports, if necessary, and reject the same if he is of the opinion that it is not in accordance with the condition. Provided that before passing an order rejecting an application, the Director shall hear the party, if necessary, to whom the order passed will be prejudicial.

(2) If the Director is of the opinion that a licence as requested may be granted, he shall call upon the party to deposit in the Government treasury under the Head of Account ... the licence fee given in the Appendix A appended to these rules, and to produce a copy of the challan within 15 days of such notice. The Director may, from time to time, by a notice published in the Official Gazette revise the fees payable for licence fee.

(3) If the party produces the challan referred to in this rule within 15 days a licence in Form 'B' shall be issued to him which shall be subject to such conditions as may be specified by the Director.

(4) If the party fails to produce the challan evidencing payment to the treasury the licence fee referred to in sub-rule (2) above within 15 days, it shall be deemed that the party is no longer interested in obtaining a licence and the case will be treated as closed.

(5) All licences issued under this rule shall be valid upto 31st day of December of the year in which it is issued.

(6) The licence may be renewed for such further periods as the Director may deem fit if an application is made before the 31st of December.

Provided that the fee chargeable for renewing a licence shall be the same as that fixed for the grant of a fresh licence.

(7) Failure to renew the licence within the prescribed time limit under sub-rule (6) shall be punishable under rule 14 and the licence shall be renewed on payment of a fine at the rate of 5% for the first month, 25% for the second month, 50% for the third month, 75% for the fourth month and 100% from the fifth month onwards of the licence fee, in addition to the licence fee prescribed in the Appendix A. If the licensee fails to renew the licence on or before 31st December of the next year, the licence will be cancelled and the amount of arrears will be recovered as arrears of land revenue.

PART II Stakes

5. Erection of Stakes. — (1) No person shall erect a fishing stake without first obtaining a licence under Rule 7.

(2) The fishing stakes which are in operation on the date of the coming into force of these Rules shall be deemed to have been erected in accordance with the provisions of these rules.

6. Conditions for grant of permission. — All licences granted for erecting fishing stakes shall be subject to the following conditions namely: —

i) No obstruction is caused to the normal fishing activities if any, which may usually be carried out in the locality;

ii) The location is not within a distance of 500 metres from any existing set of stakes;

iii) No obstruction is caused to navigation in the water and the location of the fishing stakes is not within the normal navigational channel of the water;

Explanation: — Where the navigational channel in the water is not clearly demarcated, the part of such water which is deeper or otherwise convenient for navigation shall be deemed to be the navigational channel.

iv) The location of fishing stakes is not within the waters reserved or traditionally used for anchorage of crafts and boats.

v) No formation of sand or silt deposit on the bed of the inland water is caused and

vi) The licence complies with such technical requirements as the Director or the Captain of Ports may, from time to time determine.

7. Procedure for obtaining permission to erect fishing stakes. — (1) A person intending to obtain

licence for erecting fishing stakes in any inland water shall make an application to the Director in form 'C' and shall deposit with him an amount of Rupees three hundred to meet the expenses of advertisement of the notices to be issued under sub-rule (2).

(2) On receipt of such application and deposit, the Director shall satisfy himself, after consulting the Captain of Ports, that the location of the fishing stakes proposed to be erected by the applicant prima-facie confirms to the conditions specified in rule 6.

(3) Thereafter, the Director shall publish a notice in form 'D' in at least three local newspapers inviting objections, if any, from the members of the public to the proposed grant of licence for erecting the fishing stakes, within 15 days from the date of the publication of the notification in the newspapers.

(4) After considering the objections, if any, received within the period specified and after holding such further enquiry as he deems necessary, the Director shall decide whether the licence for erecting fishing stakes should be granted or rejected.

(5) Where the Director decided to grant permission the same shall be granted in form 'B' to the person who had applied for such permission, on payment of a fee of Rs. 5/-

(6) On receipt of the licence under sub-rule (5), the licensee shall erect the stake in accordance with the conditions subject to which such licence has been granted, within a period of one month or such further period as may be specified by the Director.

(7) If the stakes are not erected within the period specified in sub-rule (6), the licence shall be deemed to have lapsed and the Director shall be free to grant the licence to any other person to erect the stakes, in accordance with these rules.

(8) The Director shall refund to the applicant the balance, if any, from the amount of deposit paid under sub-rule (1) after meeting therefrom the expenses incurred by him for publication of the notice under sub-rule (3).

(9) When the stake are erected, they shall become the property of the Government and no person shall remove, disturb or in any way damage the same.

8. Grant of lease of right of fishing by means of stakes. — (1) The lease or the right of fishing by means of stakes erected under the licence granted or deemed to have been granted under rule 5, shall be given for a period not exceeding three years by holding public auction.

Provided that where a Cooperative Society whose members are all persons who personally carry out the various operations of fishing at the stakes, applies for the lease of such fishing rights permission may be granted without holding a public auction.

(2) For the purpose of holding public auction under sub-rule (1), the Director shall issue a public notice in the Official Gazette as well as in the local newspapers giving the following particulars:

a) location and sites of fishing stakes;

b) the upset annual rent;

c) the period for which the fishing right is being auctioned;

d) the fact whether the auction is being held for the first time after the erection of fishing stakes; and if so, the expenses on advertisement paid under sub-rule (8) of rule 5 by the person who erected the fishing stakes;

e) the place, the time and the date of holding the auction.

(3) Where the auction of fishing right is held for the first time after the erection of fishing stakes, the persons who erected the fishing stakes, should be issued an individual notice inviting his attention to the public notice, a copy of which should be appended to the notice and he should be called upon to remain present at the auction either personally or through an authorised agent.

(4) On the date and time fixed for auction, the Director or any officer designated by him in this behalf shall hold the public auction and shall record in writing the proceedings of such auction.

(5) Where the auction of the right of fishing by means of stake is held for the first time after the erection of the fishing stakes and where the person who erected the fishing stake is present at the time of auction and is not the highest bidder, the officer holding the auction shall first call upon such person, to state whether he is willing to take the lease of the fishing right at the highest bid and if so, to call upon him to deposit immediately one-third of the amount of the highest bid with the officer conducting the auction. If such person is not willing to take the lease or fails to make a deposit as aforesaid, the highest bidder shall be called upon to make a deposit as aforesaid and also of the amount specified in clause (d) sub-rule (2).

(6) If the highest bid offered is more than the upset annual rent, the auction proceedings shall be confirmed by the Director and thereupon the lease of the right of fishing by means of stakes shall be granted to the highest bidder or as the case may be, to the person who erected the fishing stakes, for the period for which the auction has been held and the amount specified in clause (d) of sub-rule (2), if required to be deposited by the highest bidder under sub-rule (5) shall be paid to the person who erected the fishing stakes.

(7) Where a Cooperative Society referred to in the proviso to sub-rule (1) applies for the grant of lease of fishing stakes the Director shall, after making such enquiries as he may deem necessary, grant the fishing right for a period not exceeding three years to such society on a rent which shall be the average of the rent obtained for the stake during a period of six years immediately preceding.

If the average of six years is not available the Director may fix such rent as he may just and reasonable.

Provided that before such lease is granted, the Society shall be required to deposit with the Director an amount equivalent to one third of the rent.

Provided further that where the lease of the fishing right at the stakes is being given for the first time after the erection of the stakes and where the person erecting the stakes is other than such Society, the Society shall be required to pay to the person who erected the stakes the expenses of advertisement paid by him under sub-rule (8) of rule 7.

(8) When any stake locality is not auctioned for lack of bidders the same will be advertised again after reducing the upset annual rent by one fifth and similar reduction again, if necessary. Provided that the stake shall not be auctioned for a price below a minimum determined by Director.

(9) In the first auction the starting bid of the annual rent will not be less than the actual enrolment (one rupee per interspace). In the second and third auctions, the minimum bid will be the amount by which the concession were auctioned in the first and second auctions respectively, and after that average of the last three auctions.

(10) When the Government considers that the outward prices are not in the interest of the Government the adjudication will not be made, but new auction will be announced. In the second auction the minimum bid to be fixed shall be the highest bid offered in the previous auction.

(11) The Government may, at the request of the lessee extend the period of lease of stakes if such request is made before 15th June of the year in which the lease expires provided that such extension shall not exceed three years. Provided further such extension shall not be granted unless the lessee pays 15% more than the earlier agreed rent.

(12) The lessee against whom the previous dues are outstanding will be allowed to participate in the auction only after clearing all the dues. The decision of the Director in this behalf shall be final.

(13) Every bidder shall deposit a sum of Rs. 100/- prior to start of auction. The amount thus deposited will be refunded to those other than the successful bidder.

(14) The successful bidder should deposit two thirds of the amount of their bid as security deposit at the time of executing the deed of lease for the fishing stakes bid by him. The amount thus deposited shall be refunded after the expiry of the period of lease.

9. Manner of payment of annual rent. — (1) The annual rent payable by a person or a cooperative society to whom the right of fishing by means of stakes has been awarded under rule 8, shall be paid as follows:—

a) The amount deposited under sub-rule (5) of rule 8 shall be the first instalment of the annual rent payable for the first year of the lease of the fishing rights.

b) The subsequent instalments shall be paid on or before such dates as may be fixed by the Director.

(2) If any instalment is not paid within the prescribed period the defaulter shall be liable to pay interest at the rate of 6% per annum on the amount of the instalments due from him for the period of delay.

(3) Where a person is in arrears of two instalments the right of fishing given to him shall stand cancelled and the Director shall again auction the fishing rights allotted to such defaulter without prejudice to any action that may be taken against the defaulting lessee.

10. **Forfeiture of stakes, nets etc.** — If any stakes are erected in contravention of the provisions of these rules, or if fishing is done by means of stakes in contravention of the lease of fishing rights or after the expiry of the period of the lease of the fishing rights or after the cancellation of such rights, the Director or any officer designated by him in this behalf shall be empowered to forfeit to Government the fishing stakes, fishing nets, or any other fishing gear found to have been used for the aforesaid acts and the person doing such acts shall be liable for the payment of fine as provided in rule 14.

PART III

Fishing in accumulated water

11. Fishing in paddy fields and khazan lands. —

(1) No person shall, without obtaining a licence under Rule 4, fish in any water accumulated in paddy fields and kharan lands whether such water has entered such lands due to tidal force or has been intentionally introduced in to such lands by cutting the bunds or otherwise.

(2) If any person is found to have introduced water into paddy fields or khazan lands voluntarily by causing breaches in the bunds or otherwise for the purpose of fishing, he shall be deemed to have contravened the provisions of these rules and shall be liable for punishment under Rule 14.

PART IV

Nets

12. **Use of nets of certain sizes prohibited.** — (1) No person shall use a net the mesh size of which is below 24 mm. for catching fish and 20 mm. for catching prawns.

(2) If any person is found fishing with a net with the mesh size less than that permitted under sub-rule (1) such nets shall be seized and the licence, if any, granted to such person shall be cancelled forthwith without prejudice to the powers of the Director to take action under Rule 14.

13. **Registration of Nets.** — (1) Every person in possession of a fishing net shall forthwith register his net with the Director.

(2) The registration fee as specified in the Appendix B appended to these rules shall be payable for such registration. The Director may, from time to time, by a notice published in the Official Gazette revise the fees payable for registration.

(3) In the event of loss or destruction of a net already registered the owner thereof shall forthwith intimate to the Director, such loss or destruction.

(4) All transfers of nets whether by way of sale or otherwise shall be intimated to the Director immediately after such transfers take place.

(5) A person found to be in possession of an unregistered net shall be deemed to have contravened the provisions of these rules and shall be liable for payment of penalty under rule 14.

(6) A net already registered under the provision of any law for the time being in force shall be deemed to have been duly registered under these rules.

(7) The Director or any other person authorised by him in this behalf may at any time enter any

premises or building or any vessel to ascertain that no unregistered nets are stored there.

(8) Failure to renew the registration within the prescribed time limit under sub-rule (1) shall be punishable under Rule 14, and the registration shall be renewed on payment of a fine at the rate of 5% for the first month, 25% for the second month, 50% for the third month, 75% for the fourth month and 100% from fifth month onwards of the registration fee prescribed in the Appendix B.

If the holder of a registered net failed to renew the registration on or before 31st December of the next year, the registration will be cancelled and the amount of arrears will be recovered as arrears of land revenue.

PART V

Miscellaneous

14. **Penalty.** — Whoever commits breach of any of the provisions of these rules shall be punishable with fine, which may extend to one hundred rupees and in the case of a continuing breach with a further fine which may extend to ten rupees for every day after the date of first contravention during which the breach continues.

APPENDIX A

Schedule for fishing licence

1) To fish with a drag net by a motor driven vessel.	
(a) Vessel upto 10 tons with a right to use a net upto 500 metres	Rs. 25-00
(b) Vessel more than 10 tons with a right to use two nets upto 500 metres or one upto 800 metres	Rs. 50-00
2) To fish with a drag net.	
(a) Upto 200 metres	Rs. 5-00
(b) For every 100 metres in excess upto 500 metres	Rs. 3-00
(c) For every 100 metres exceeding 50 metres upto 1000 metres	Rs. 5-00
(d) For every 100 metres exceeding 1000 metres	Rs. 10-00
3) To fish on the river banks with barrier nets (Funtainim).	
(a) Nets upto 200 metres	Rs. 4-00
(b) For every exceeding 100 metres upto 500 metres	Rs. 5-00
(c) For every 100 metres exceeding 500 metres	Rs. 3-00
4) To fish with gill nets (suspension nets) in sea.	
(a) Upto 200 metres	Rs. 5-00
(b) For every 100 metres or more or fraction thereof	Re. 1-00
5) To fish with gill nets (suspension nets) in rivers	
(a) Upto 100 metres	Re. 1-00
(b) For every 100 metres or fraction thereof	Rs. 0-50
6) To fish with a sluice gate net	Rs. 2-00
7) To fish with a cast net	Re. 1-00
8) To fish with nets not specified	Re. 1-00
9) To fish with traps for catching fish, prawns, lobsters crab or any other molluscs	Rs. 0-50
10) To fish with a set of hooks	Rs. 0-50

APPENDIX B

Schedule for net registration

- 1) To fish with a drag net by a motor driven vessel.
 - (a) Vessel upto 10 tons with a right to use a net upto 500 metres Rs. 5-00
 - (b) Vessel more than 10 tons with a right to use two nets upto 500 metres or one upto 800 metres Rs. 10-00
- 2) To fish with a drag net.
 - (a) Upto 200 metres Re. 1-00
 - (b) For every 100 metres in excess upto 500 metres Rs. 0-50
 - (c) For every 100 metres exceeding 500 metres Rs. 0-25
- 3) To fish on the river banks with barrier nets (Funtainim).
 - (a) Net upto 200 metres Re. 1-00
 - (b) For every 100 metres in excess upto 500 metres Rs. 0-50
 - (c) For every 100 metres exceeding 500 metres Rs. 0-25
- 4) To fish with gill nets (suspension nets) in sea or river.
 - (a) Upto 200 metres Rs. 0-50
 - (b) For every exceeding 100 metres or fraction thereof Rs. 0-25
- 5) To fish with stake net.
 - (a) Registratoim fee for a stake irrespective of number of interspaces Rs. 5-00
 - (b) For every interspace Rs. 0-10
- 6) To fish with a sluice gate net Rs. 0-50
- 7) To fish with a cast net Rs. 0-25
- 8) To fish with nets not specified Rs. 0-25
- 9) To fish with traps for catching fish, prawns, lobster, crabs or any other moluscs Rs. 0-10
- 10) To fish with a set of hooks Rs. 0-10
- 11) Title deed of the property of nets upto 500 metres Rs. 0-50

FORM A

(See Rule 4)

Application for grant of fishing licence/to fish in Inland waters

From

To
The Director of Fisheries,
Panaji.

Sir,

Please grant me a fishing licence to operate a ... net/to fish in Inland waters in ... locality, under the provisions of the Goa, Daman and Diu, Fisheries Rules, 1974.

Yours faithfully,

FORM B

Government of Goa, Daman and Diu

Directorate of Fisheries, Panaji

Fishing licence

No. of licence ...
Date of licence ...

Shri ... is hereby permitted to operate .../ net ... of the size .../ in ... (locality)/ to fish in the Inland waters by means of ...

This licence is valid upto ...

Director of Fisheries,

The Seal of the Office.

FORM C

[Sub-Rule (1) of Rule (7)]

To

The Director of Fisheries,
Government of Goa, Daman and Diu,
Panaji.

I, ... (full name), resident of ... of ... (taluka) hereby apply for permission to erect ... (number) of (stakes) at ... (approximate location). To the best of my knowledge the erection of the fishing stakes applied for above conforms to the conditions mentioned in Rule 6 of the Goa, Daman and Diu Fisheries Rules, 1974.

I am also depositing on this date an amount of Rupees three hundred as required under Rule (1) of Rule 7 of the said Fisheries Rules.

Yours faithfully,

(Signature of the applicant)

My address is as under:

... (Full name).

... (Village), ... (Taluka).

Post ... (Nearest Post Office) ... (District).

FORM D

[Sub-Rule (3) of Rule (7)]

Notice

Notice is hereby given that Shri ... resident of ... has applied for grant of permission to erect ... (number) fishing stakes at ... (exact location). Any person directly interested in the above may within 15 days from the date of publication of this notice send his objection, if any, either in respect of the fishing stakes or of the grant of permission to the applicant to the Director of Fisheries, Panaji.

Panaji:

Dated:

(Signature)

Director of Fisheries,

FORM E

[Sub-Rule (5) of Rule (7)]

Permission for erecting fishing stakes

Permission is hereby granted to Shri ... resident of ... for erecting ... (number) fishing stakes at ... (exact location), Shri ... has paid Rs. 5/- (Rupees five only) as fee for the grant of this permission as required under sub-rule (5) of Rule 7 of the Goa, Daman and Diu, Fisheries Rules, 1974.

Panaji:

Dated:

(Signature)

Director of Fisheries.

By order and in the name of the Administrator
of Goa, Daman and Diu.

N. Rajasekhar, Under Secretary (Revenue).

Panaji, 11th November, 1974.

Law and Judiciary Department

Notification

LD/5043/74

The following Ordinance which was recently issued by the President of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 28th October, 1974.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, dated 19th October, 1974

**THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) ORDINANCE, 1974**

No. 13 of 1974

Promulgated by the President in the Twenty-fifth Year of the Republic of India

An Ordinance further to amend the Representation of the People Act, 1951.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Representation of People (Amendment) Ordinance, 1974.

(2) It shall come into force at once.

2. **Amendment of Act 43 of 1951.**—In section 77 of the Representation of the People Act, 1951, in sub-section (1) the following Explanations shall be inserted at the end, namely:—

‘Explanation 1.—Notwithstanding any judgment, order or decision of any court to the contrary, any expenditure incurred or authorized in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purposes of this sub-section:

Provided that nothing contained in this Explanation shall affect. —

(a) any judgment, order or decision of the Supreme Court whereby the election of a can-

didate to the House of the People or to the Legislative Assembly of a State has been declared void or set aside before the commencement of the Representation of the People (Amendment) Ordinance, 1974;

(b) any judgement, order or decision of a High Court whereby the election of any such candidate has been declared void or set aside before the commencement of the said Ordinance if no appeal has been preferred to the Supreme Court against such judgment, order or decision of the High Court before such commencement and the period of limitation for filing such appeal has expired before such commencement.

Explanation 2.—For the purposes of Explanation 1, “political party” shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968, as for the time being in force.’.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Notification

LD/5119/74

The following Order/Ordinance which was recently issued by the Government of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 5th November, 1974.

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE

(Department of Agriculture)

New Delhi, the 15th October, 1974.

Notification

G.S.R. — 424 (E) In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Control) Order, 1957, namely:—

1. (1) This Order may be called the Fertiliser (Control) Fourth Amendment Order, 1974.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule 1 to the Fertiliser (Control) Order, 1957, under the heading “A-Specifications of fertilisers”, after serial number 36 and the entries

relating thereto, the following shall be inserted, namely:—

Name of Fertiliser	Specifications
"37 Zinc Sulphate	(i) Free flowing crystalline form
	(ii) Matter insoluble in water per- cent by weight maximum ... 1
	(iii) Zinc (Zn) content percent Weight minimum 21.0
	(iv) Lead as (Pb) percent by weight maximum 0.003
	(v) Copper (as Cu) percent by weight maximum 0.1
	(vi) Magnesium (as Mg) percent by weight maximum 0.5
	(vii) PH Not less than 4"

Sd/-

KUMARI ANNA R. GEORGE
Joint Secretary to the Government of India.

(No. 10-29/73-MPR-STU)

New Delhi, the 15th October, 1974.

Notification

G.S.R. — 423 (E). In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Control) Order, 1957, namely:—

1. (1) This order may be called the Fertiliser (Control) Third Amendment Order, 1974.

(ii) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule 1 to he Fertiliser (Control) Order, 1957, under the heading "A. Specifications of ferti- lisers", against serial number 25, in item (i) under specifications, for the figures "0.5", the figures "1.00" shall be substituted.

Sd/-

KUMARI ANNA R. GEORGE
Joint Secretary to the Government of India.

(10-10/74-MPR-STU)